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Attorneys for Defendants
WESTMONT HOSPITALITY GROUP; WESTLODGE
HOSPITALITY INC., WW SAN FRANCISCO AIRPORT
NORTH, INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE SAN
MATEO HOTEL EMPLOYEES AND
RESTAURANT EMPLOYEES PENSION
TRUST; SHERRI CHIESA, TRUSTEE,

Plaintiff,

v.

WESTMONT HOSPITALITY GROUP,
a corporation; WESTLODGE HOSPITALITY
INC., a corporation; WW SAN FRANCISCO
AIRPORT NORTH, INC., a corporation doing
business as TRAVELODGE and as
TRAVELODGE SAN FRANCISCO AIRPORT
NORTH,

Defendants.

No. C07 3357 JL

DEFENDANTS' ANSWER TO FIRST
AMENDED COMPLAINT

Defendants WESTMONT HOSPITALITY GROUP, WESTLODGE HOSPITALITY
INC., and WW SAN FRANCISCO AIRPORT NORTH, INC. hereby answer the First Amended
Complaint ("Complaint") as follows:

1. Defendants are without sufficient knowledge or information to form a belief as to
the truth of the allegations contained in this paragraph and on that basis deny each and every
allegation contained therein.

1 2. Defendants admit that Defendant WW San Francisco Airport North Inc. had been
2 party to a collective bargaining agreement. Except as expressly admitted herein, Defendants deny
3 each and every allegation of paragraph 2.

4 3. Defendants allege that this paragraph states a legal conclusion to which no
5 response is required; but to the extent a response is appropriate, Defendants admit that this Court
6 has subject matter jurisdiction over cases brought under Section 4301(c) of the Employee
7 Retirement Income Security Act of 1974 ("ERISA) and Section 301(a) of the Taft Hartley Act.
8 Except as so admitted, Defendants are without sufficient knowledge or information to form a
9 belief as to the truth of the allegations contained in Paragraph 3 and, on that basis, Defendants
10 deny each and every allegation of Paragraph 3.

11 4. Defendants allege that this paragraph states a legal conclusion to which no
12 response is required; but to the extent a response is appropriate, Defendants are without sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained in Paragraph
14 4 and, on that basis, Defendants deny each and every allegation of Paragraph 4.

15 5. Defendants admit that Defendant WW San Francisco Airport North was party to a
16 collective bargaining agreement with Hotel Employees & Restaurant Employees Union Local 340
17 and that the collective bargaining agreement contained a provision regarding a pension fund for
18 employees in the bargaining unit represented by the Union. Except as expressly admitted herein,
19 Defendants deny each and every allegation of paragraph 5.

20 6. Defendants admit the allegations of paragraph 6.

21 7. Defendants are without sufficient knowledge or information to form a belief as to
22 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
23 allegation contained therein.

24 8. Defendants are without sufficient knowledge or information to form a belief as to
25 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
26 allegation contained therein.

27 9. Defendants are without sufficient knowledge or information to form a belief as to
28 the truth of the allegations contained in this paragraph and, on that basis, deny each and every

1 allegation contained therein.

2 10. Defendants are without sufficient knowledge or information to form a belief as to
3 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
4 allegation contained therein.

5 11. Defendants are without sufficient knowledge or information to form a belief as to
6 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
7 allegation contained therein.

8 12. Defendants are without sufficient knowledge or information to form a belief as to
9 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
10 allegation contained therein.

11 13. Defendants are without sufficient knowledge or information to form a belief as to
12 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
13 allegation contained therein.

14 14. Defendants are without sufficient knowledge or information to form a belief as to
15 the truth of the allegations contained in this paragraph and, on that basis, deny each and every
16 allegation contained therein.

17 15. Defendants deny the allegations of paragraph 15.

18 **AFFIRMATIVE DEFENSES**

19 **First Affirmative Defense**

20 The Complaint fails to state facts sufficient to constitute a cause of action against
21 Defendants and each of them.

22 **Second Affirmative Defense**

23 The Complaint, and each and every claim therein, is barred (in whole or in part) because
24 Defendants either were not the employer nor a member of the employer's controlled group when
25 a withdrawal occurred.

26 **Third Affirmative Defense**

27 The Complaint, and each and every claim therein, is barred (in whole or in part) because
28 Defendants are informed and believe and on that basis allege that the liability was calculated

1 erroneously – for which a reasonable opportunity for investigation or discovery is likely to
2 provide evidentiary support.

3 **Fourth Affirmative Defense**

4 The Complaint, and each and every claim therein, is barred (in whole or in part) by the
5 doctrine of laches – for which a reasonable opportunity for investigation or discovery is likely to
6 provide evidentiary support.

7 **Fifth Affirmative Defense**

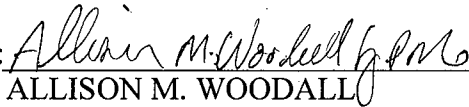
8 As Defendants lack sufficient knowledge or information to form a belief as to whether it
9 may have additional defenses not stated in this Answer, Defendants reserve the right to assert
10 additional defenses based on further discovery, investigation, or analysis.

11 WHEREFORE, Defendants pray as follows:

- 12 1. That Plaintiffs take nothing by their Complaint;
13 2. For a judgment dismissing the Complaint with prejudice; and
14 3. For other and further relief as the Court deems just and proper.

15
16 DATED: March 7, 2008

HANSON BRIDGETT MARCUS VLAHOS &
RUDY, LLP

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18 By: 
19 ALLISON M. WOODALL
20 Attorneys for Defendants
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